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10/726,535	12/04/2003	Eung Min Park	0630-1874P	5940
2292	7590	05/23/2007		
BIRCH STEWART KOLASCH & BIRCH			EXAMINER	
PO BOX 747			MORRISON, THOMAS A.	
FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
			3653	
			NOTIFICATION DATE	DELIVERY MODE
			05/23/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailto:mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/726,535	PARK, EUNG MIN	
Examiner	Art Unit		
Thomas A. Morrison	3653		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 19 January 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 2,6,7 and 10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 2 is/are allowed.

6)  Claim(s) 6,7 and 10 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_.  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_.

## DETAILED ACTION

1. The indicated allowability of claims 6, 7 and 10 is withdrawn in view of Japanese Publication No. 6-179538, U.S. Patent No. 5,934,665 (Kasahara), and U.S. Patent Publication No. 2002/0060395. Rejections based on the cited reference(s) follow. The examiner regrets any inconvenience that may have been caused by these new rejections.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,934,665 (Kasahara).

Regarding claim 6, Figs. 1-5 show a media pick-up device of a media dispenser (Fig. 1), comprising:

a plurality of conveying rollers (31a) rotated by a driving force of a driving means (i.e., gears in Fig. 5), for conveying media;

first separating rollers (i.e., the 3 innermost rollers 32a, 32a and 32a in Fig. 3) arranged with overlaps to the conveying rollers (31a) to separate the media one by one; and

second separating rollers (i.e., the two outermost rollers 32a and 32a in Fig. 3) arranged to face an outer surface of the conveying rollers (31a) with gaps between the

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second separating rollers (two outermost rollers 32a and 32a in Fig. 3) and the conveying rollers (31a), for generating a frictional force to the media;

wherein a torsion spring (38 in Fig. 4) for providing an elastic force to push the first and second separating rollers to the conveying rollers is installed on a shaft (32c) to which the first and second separating rollers are fixed. Regarding the recitation "for generating a frictional force to the media", this is a statement of intended use that has not been given patentable weight. Also, the second separating rollers (i.e., the two outermost rollers 32a and 32a in Fig. 3) have rounded portions that are arranged to face outer faces and/or outer peripheral surfaces (i.e., outer surfaces) of the conveying rollers (31a), and there are gaps (e.g., horizontal gaps) between the second separating rollers (two outermost rollers 32a and 32a in Fig. 3) and the conveying rollers (31a).

Thus, all of the limitations of claim 6 are met.

3. Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Publication No. 6-179538.

Regarding claim 10, Figs. 1-6 of the Japanese Publication No. 6-179538 show a media pick-up device of a media dispenser (Fig. 6), comprising:

a plurality of conveying rollers (4) rotated by a driving force of a driving means (see rotation arrow in Fig. 1), for conveying media;

first separating rollers (5 in Fig. 4) arranged with overlaps to the conveying rollers (4) to separate the media one by one; and

second separating rollers (6) arranged to face an outer surface of the conveying rollers (4) with gaps between the second separating rollers (6) and the conveying rollers (4), for generating a frictional force to the media;

wherein both the first and second separating rollers (5 and 6) are mounted on the same shaft (5a). Regarding the recited gaps between the second separating rollers (6) and the conveying rollers (4), the English Abstract of Japanese Publication No. 6-179538 discloses that element 11 separates the second separating rollers (6) from the conveying rollers (4). Thus, there are gaps between the second separating rollers (6) and the conveying rollers (4) by means of element 11. Alternatively, it is also noted that when a sheet is conveyed between the second separating rollers (6) and the conveying rollers (4), as shown in Fig. 1, the sheet thickness causes gaps between the second separating rollers (6) and the conveying rollers (4), which also meets the recited gap limitations in claim 10.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,934,665 (Kasahara) as applied to claim 6 above, and further in view of U.S. Patent Publication No. 2002/0060395. The Kasahara patent discloses a torsion spring (38 in Fig. 4) between a bracket (i.e., unnumbered bracket connected to 32c)

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rotatably supported on the shaft (32c) and a main body (near 12 in Fig. 4), but does not specifically disclose that such torsion spring comprises a plate spring, as claimed.

U.S. Patent Publication No. 2002/0060395 discloses that it is well known to provide a separating mechanism (including 15) with a torsion spring (17) that is a plate spring for the purpose of avoiding applying radial forces to pivot points of such separating mechanism, while also absorbing vibration of the separation mechanism (including 15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a torsion spring comprising a plate spring for the torsion spring (38) of the Kasahara device, for the purpose of avoiding applying radial forces to pivot points (e.g., 35a) of the separator of the Kasahara device, while also absorbing vibration of the separator of the Kasahara device, as suggested by numbered paragraphs [0034] – [0035] of U.S. Patent Publication No. 2002/0060395. Thus, all of the limitations of claim 7 are met.

***Allowable Subject Matter***

5. Claim 2 is allowed.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

5/13/2007



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